

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMUEL TURNER, individually, and on behalf of other members of the general public similarly situated and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act (“PAGA”),

Plaintiff,

v.

LTF CLUB MANAGEMENT CO, LLC, et al.,

Defendants.

No. 2:20-cv-00046-DAD-JDP

ORDER DIRECTING THE FILING OF
SUPPLEMENTAL BRIEFING AND
DOCUMENTATION

(Doc. No. 95)

In connection with plaintiff’s motion for preliminary approval of the proposed class action settlement filed on January 28, 2025, the parties are directed to file supplemental briefing and documentation addressing the following issues:

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1 1. Estimations and documentation supporting the valuation of each of plaintiff's core
2 claims and PAGA claims, including how the parties arrived at the potential value
3 of each claim;¹ and

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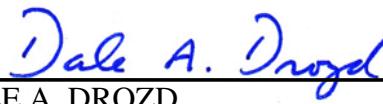
20 ¹ In evaluating the substantive fairness of a settlement, courts must "consider plaintiffs' expected
21 recovery balanced against the value of the settlement offer." *In re Tableware Antitrust Litig.*, 484
22 F. Supp. 2d 1078, 1080 (N.D. Cal. 2007). In their motion for preliminary approval, the parties
23 have provided little to aid the court's analysis in this respect. The only estimated figure that the
24 parties have provided is a maximum recovery for plaintiff's second and third claims as to meal
25 and rest break violations of \$2,603,380, based on 1,615,000 shifts and a 10% violation rate.
26 (Doc. No. 95 at 19.) As to plaintiff's other core claims, the parties simply state that those
27 violations were less discernable from the payroll data than meal and rest break violations, so the
28 "meal and rest break violations drove settlement discussions." (*Id.* at 18.) As to the maximum
potential damages available under plaintiff's PAGA claim, plaintiff states only that "the
derivative PAGA claims also yield a wide range of potential outcomes." (*Id.* at 19.) The court
finds these representations to be deficient due to their vagueness and instructs the parties to
submit more precise estimated values of the potential recovery for each of plaintiff's claims
(including as to PAGA penalties) based on the data reviewed in this case, or to more clearly
inform the court that certain claims are estimated to yield zero damages, if true.

1 2. The reasonableness of an award of attorneys' fees in an amount up to 35% of the
2 Settlement Fund under the circumstances of this case and in light of the results
3 obtained.²

4 The parties shall file a brief responsive to these issues within fourteen (14) days from the
5 date of entry of this order.

6 IT IS SO ORDERED.

7 Dated: August 6, 2025


DALE A. DROZD
UNITED STATES DISTRICT JUDGE

14 2 “The Ninth Circuit uses a 25 percent of the fund ‘benchmark’ for awarding fees.” *Norton v.*
15 *Strategic Staffing Sols., L.C.*, No. 3:23-cv-06648-JSC, 2025 WL 1666143, at *8 (N.D. Cal. June
16 12, 2025). An explanation is necessary when the court departs from the 25% benchmark, *Powers*
17 *v. Eichen*, 229 F.3d 1249, 1256–57 (9th Cir. 2000). In the pending motion for preliminary
18 approval, plaintiff argues that the 35% of the fund fee requested here is reasonable because
19 “[p]laintiff’s Counsel have litigated this matter for over five years.” (Doc. No. 95 at 25.)
20 Plaintiff also states in conclusory fashion that “[t]he Attorneys’ Fees and Costs provided for in the
21 Settlement are commensurate with: (1) the risk Plaintiff’s Counsel took in bringing and litigating
22 this case, (2) the extensive time, effort and expense Plaintiff’s Counsel have dedicated and will
23 dedicate to the case, (3) the skill and determination Plaintiff’s Counsel have shown, (4) the results
24 Plaintiff’s Counsel have achieved throughout the litigation, (5) the value of the Settlement
25 Plaintiff’s Counsel have achieved for the Class Members and the [California Labor and
26 Workforce Development Agency], and (6) the other cases Plaintiff’s Counsel turned down in
27 order to devote their time and efforts to this matter.” (*Id.* at 26.) As to the length of the
28 proceedings, in the court’s view, a considerable amount of time in this litigation (almost three
 years) was spent settling the pleadings, as the court twice concluded that plaintiff had failed to
 state any claim and granted plaintiff leave to amend his complaint in its entirety. (Doc. Nos. 16,
 31.) Regarding the six factors plaintiff listed in his pending motion, he has not explained their
 applicability to this particular case or directed the court to any factual support, particularly as to
 other cases “turned down.” Further, as discussed above, the court cannot properly evaluate the
 factors concerning the results and value of the settlement achieved based on the information that
 has been provided. The court instructs the parties to supplement this aspect of their motion for
 preliminary approval with further explanation specific to this case, perhaps rooted in the specific
 work conducted and unique challenges that this case presented, in order to justify the above-
 benchmark fee request.